

(c) Assessment of penalties; notice; opportunity for hearing; remission, mitigation, and compromise of penalty; action for collection

The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

(Pub. L. 95-75, § 9, July 27, 1977, 91 Stat. 310; Pub. L. 96-591, § 6(3), (4), Dec. 24, 1980, 94 Stat. 3435.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-591, § 6(3), substituted “\$5,000” for “\$500”.

Subsec. (b). Pub. L. 96-591, § 6(4), substituted “not more than \$5,000” for “\$500”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 31—OCEAN POLLUTION RE-SEARCH AND DEVELOPMENT AND MONITORING PLANNING

§§ 1701 to 1709. Repealed. Pub. L. 102-567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282

Section 1701, Pub. L. 95-273, § 2, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6071, Apr. 7, 1986, 100 Stat. 133, provided findings and purposes for chapter.

Section 1702, Pub. L. 95-273, § 3, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6072(1), Apr. 7, 1986, 100 Stat. 133; Pub. L. 100-636, § 1(1)-(4), Nov. 8, 1988, 102 Stat. 3324, provided definitions for chapter.

Section 1702a, Pub. L. 95-273, § 3A, as added Pub. L. 99-272, title VI, § 6072(2), Apr. 7, 1986, 100 Stat. 133; amended Pub. L. 100-636, § 1(5)-(7), Nov. 8, 1988, 102 Stat. 3324, provided for a National Ocean Pollution Program Office and a National Ocean Pollution Policy Board.

Section 1703, Pub. L. 95-273, § 4, May 8, 1978, 92 Stat. 229; Pub. L. 96-255, § 2, May 30, 1980, 94 Stat. 420; Pub. L. 97-375, title II, § 202(c), Dec. 21, 1982, 96 Stat. 1822; Pub. L. 99-272, title VI, § 6073, Apr. 7, 1986, 100 Stat. 134; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for a comprehensive Federal Plan relating to ocean pollution.

Section 1704, Pub. L. 95-273, § 5, May 8, 1978, 92 Stat. 230; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for a comprehensive ocean pollution program in NOAA.

Section 1705, Pub. L. 95-273, § 6, May 8, 1978, 92 Stat. 231; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for Federal financial assistance for programs under this chapter.

Section 1706, Pub. L. 95-273, § 7, May 8, 1978, 92 Stat. 232; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for interagency cooperation in carrying out this chapter.

Section 1707, Pub. L. 95-273, § 8, May 8, 1978, 92 Stat. 232; Pub. L. 99-272, title VI, § 6074, Apr. 7, 1986, 100 Stat. 135; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for dissemination of information on ocean and Great Lakes pollution research activities.

Section 1708, Pub. L. 95-273, § 9, May 8, 1978, 92 Stat. 232, related to effect of this chapter on other laws.

Section 1709, Pub. L. 95-273, § 10, May 8, 1978, 92 Stat. 232; Pub. L. 96-17, June 4, 1979, 93 Stat. 34; Pub. L. 96-255, § 1, May 30, 1980, 94 Stat. 420; Pub. L. 99-272, title VI, § 6075, Apr. 7, 1986, 100 Stat. 135; Pub. L. 100-636, § 1(8), Nov. 8, 1988, 102 Stat. 3324, authorized appropriations to carry out this chapter.

SHORT TITLE

Section 1 of Pub. L. 95-273, as amended by Pub. L. 96-255, § 3, May 30, 1980, 94 Stat. 420, which provided that this chapter could be cited as the “National Ocean Pollution Planning Act of 1978”, was repealed by Pub. L. 102-567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282.

CHAPTER 32—INLAND WATERWAYS TRUST FUND

Sec.

1801, 1802. Repealed.

1803. Study with respect to inland waterway user taxes and charges.

1804. Inland and intracoastal waterways of the United States.

§§ 1801, 1802. Repealed. Pub. L. 99-662, title XIV, § 1405(b), Nov. 17, 1986, 100 Stat. 4271

Section 1801, Pub. L. 95-502, title II, § 203, Oct. 21, 1978, 92 Stat. 1697, established Inland Waterways Trust Fund. See section 9506 of Title 26, Internal Revenue Code.

Section 1802, Pub. L. 95-502, title II, § 204, Oct. 21, 1978, 92 Stat. 1698, made Inland Waterways Trust Fund available for expenditures for navigation construction and rehabilitation projects on inland waterways. See section 9506 of Title 26.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1987, see section 1405(d)(1) of Pub. L. 99-662, set out as an Effective Date note under section 9506 of Title 26, Internal Revenue Code.

§ 1803. Study with respect to inland waterway user taxes and charges

(a) Study directed

The Secretary of Transportation, and the Secretary of Commerce, in consultation with the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, the Attorney General of the United States, the Secretary of the Army, the Chairman of the Water Resources Council, and the Director of the Office of Management and Budget, shall—

(1) make a full and complete study with respect to inland waterway user taxes and charges, and

(2) make findings and policy recommendations with respect thereto.

Such study shall include (but shall not be limited to) a consideration of the matters listed in subsections (b), (c), (d), (e), and (f) of this section.

(b) Considerations relating to the taxing mechanism

(1) The extent to which the Federal Government should seek to recover some or all of